

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

Attention is drawn to a closely related co-pending commonly-owned application having common inventorship as well that has just been recently discovered as having similarity to the present application. In particular, attention is drawn to co-pending application 09/936,176 filed September 10, 2001 and presently being examined by Examiner Alicia Baturay in Art Unit 2155. In view of this discovery, a supplemental Form PTO-1449 is attached calling attention to all prior art documents therein of record and not already herein of record. A copy of all non-US patent documents cited therein is also attached. Furthermore, in view of the fact that this application already has an outstanding "final" Office Action issued, an accompanying RCE is being filed to insure that this additional prior art is properly considered. Of course, it is also requested that these two related applications be hereafter coordinated in further examination processes through the U.S. Patent and Trademark Office.

The indication of allowable subject matter at claims 17, 18, 29 and 30 is appreciatively noted.

In response to the formality objections, claims 8, 15 and 16 have been amended so as to obviate the stated objections. With respect to claims 13 and 25, the Examiner is requested to reconsider the allegation that these are mere duplicates of claim 8. For

example, claim 13 requires a means operable to receive data from the destination device and to package the data in one or more signalling messages for transmitting the data to a further destination device. By contrast, claim 8 requires a means operable to send at least partial data received from the destination device to further destination devices using messages transmitted on the signalling channel. These two claims are simply of different scope and direction. Similarly, claim 25 is a method claim and therefore cannot possibly be a mere duplicate of apparatus claim 8. Furthermore, it is more analogous to claim 13 than it is to claim 8. In short, claims 8, 13 and 25 are all claims of different scope and direction.

The rejection of claims 6-11, 13-16, 19-23 and 25-28 under 35 U.S.C. §102(e) as allegedly anticipated by Tracy '089 is respectfully traversed.

This invention permits transmitting content originally sent according to a protocol which enables the content to be transmitted over "data" transmission channels to a recipient at a destination address to be instead transmitted (in the final "hop") to the client machine using access network "control" channels. This is possible as the original content is fragmented at the edge of the access network and each content "fragment" is independently transmitted over the access network control channel to the end user's terminal. The original content is then reconstituted at the client machine to conform with the sender's intended protocol format.

Tracy '089 relates to a method for transmitting data using a digital control channel of a wireless network in which a request for data from a remote device to a data collection device is transmitted using an SMS portion of a personal communications system transmission protocol. The receiving device interprets the request and compiles appropriate data. The compiled data is again, transmitted to the remote device using the control channel of the short message service portion of the personal communications system transmission protocol (see column 3, lines 8 to 28). It is quite clear in Tracy that compiled data is formatted as a short message (see column 3, line 60).

It is well known to those of ordinary skill in the art that the amount of information a single SMS can carry is limited in bandwidth to an amount that is acceptable for transmission in the control channel of a personal communications system in the manner described in Tracy.

The applicant's invention, in contrast, addresses the issue of accessing large amounts of data content in messages whose protocols support (for example, such electronic mail protocols as MIME etc., which permit large file attachments to electronic mail messages). Fast access to electronic mail usually means that the user has to upgrade his/her internet subscription to have larger bandwidth connections if such large electronic mail messages are to be downloaded to their personal machines from a remote mail server in any reasonable amount of time. Increasing the bandwidth comes at some cost to the user, moreover issues such as contention with other users for the same bandwidth where

ADSL type broadband connectivity is utilized means that the desired amount of bandwidth may not in practice be achievable. Thus there remains a problem when accessing large amounts of data using conventional transmission channels. The applicant's invention seeks to solve this problem by providing a means to deliver such large amounts of data over a control channel in a "trickle" fashion, so that the data is delivered eventually despite the "pipe" (available bandwidth) being relatively narrow in such control channels.

While not a true analogy, one way of viewing the invention from the context of Tracy is that the invention would split each single "SMS" in Tracy et al. and encapsulate it in a plurality of even smaller bandwidth messages (conforming to a different protocol). Each of the even smaller bandwidth messages could then go through a pipe of considerably narrower bandwidth than an SMS, and on receipt of the last of all the very small messages the contents of the single "SMS" would be reconstituted.

Thus none of the cited prior art, even if combined with Tracy anticipates (or suggests) the applicant's claimed invention. For example, even if the feature of "reconstituting data" from a plurality of received messages is not addressed. In Tracy, data is only transmitted as a "sequence" of SMSs -- i.e., it is "constituted" but never "de-constituted"! This is because there is no change in the communications protocol during transmission requiring the transmitted data to be split into a plurality of messages. This is clearly a feature of the invention, for example, see page 7, lines 4 to 8 of the specification

• MALLETT et al
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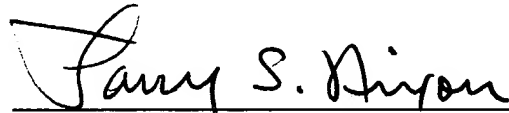
in which the type of data being reconstituted conforms to a type referred to as "user-user data", "The server computer 103 and the client computer 115 are arranged to send user-user messages that contain sufficient information to enable the NTU 11 to establish how parts of 3-mails ("transmitted data") sent in separate messages are linked to enable the NTU 111 to reconstitute the e-mail messages."

Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

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